

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

WALTER MITCHELL STEWART,  
JR.,

Plaintiff,

vs.

BRANDON HARTFORD; BRIELLE  
GOFFENA; PARKER, HEITZ,  
COSGROVE ATTORNEYS AT  
LAW,

Defendants.

CV 20-103-BLG-SPW

ORDER ADOPTING  
MAGISTRATE'S FINDINGS  
AND RECOMMENDATIONS

The United States Magistrate Judge filed Findings and Recommendations in this matter on December 17, 2020, recommending that Stewart's amended complaint (Doc. 3) and this action should be dismissed for lack of federal jurisdiction. (Doc. 6 at 5). The Magistrate found that Stewart's amended complaint did not qualify under either federal question doctrine or diversity jurisdiction, because there was not complete diversity of parties. (Doc. 6 at 2-4)

Pursuant to 28 U.S.C. § 636(b)(1), parties are required to file written objections within 14 days of the filing of the Magistrate's Findings and Recommendation. Plaintiff filed an objection. (Doc. 7). According to Federal Rule of Civil Procedure 72(b)(2), objections to a magistrate's findings must be


specific. Plaintiff's objection merely recites his complaint in his objections. (Doc. 36 at 2). The Court has carefully reviewed Plaintiff's objection but cannot identify an actual legal argument against Judge Cavan's findings and recommendation beyond reiterations of statements made in the complaint. The objection fails to specifically or adequately state any grounds why Magistrate Judge Cavan's finding that the matter lacked federal jurisdiction was incorrect. Although pro se litigants are afforded a degree of liberal construction in their filings, the Court cannot raise arguments for Stewart. The Court is sympathetic to the difficulties of bringing a federal suit, but the Court cannot preside over a case when it does not have jurisdiction.

When neither party properly objects, this Court reviews the Magistrate's Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendation, this Court does not find that the Magistrate committed clear error.

IT IS ORDERED that the proposed Findings and Recommendations entered by the United States Magistrate Judge (Doc. 6) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Plaintiff's amended complain (Doc. 3) and the action is DISMISSED. The Clerk shall enter a judgment of dismissal. The Court CERTIFIES, pursuant to Fed. R. App. P. 24(a)(4)(B) that any appeal of this disposition will not be taken in good faith.

DATED this 4<sup>th</sup> day of February 2021.

  
SUSAN P. WATTERS  
United States District Judge